

2013 DRAFTING REQUEST

Bill

Received: 12/12/2012	Received By: gmalaise
Wanted: As time permits	Same as LRB:
For: Administration-Budget 6-2288	By/Representing: Major
May Contact:	Drafter: gmalaise
Subject: Children - out-of-home placement	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Major, BB0265 -

Topic:

Kinship care funding

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 12/19/2012	kfollett 12/21/2012		_____			
/1	gmalaise 2/5/2013			_____	srose 12/21/2012		
/2	gmalaise 2/13/2013	kfollett 2/5/2013	phenry 2/6/2013	_____	sbasford 2/6/2013		
/3		kfollett	jfrantze	_____	lparisi		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		2/13/2013	2/13/2013	_____	2/13/2013		

FE Sent For:

<END>

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Bill

Received: 12/12/2012 Received By: gmalaise
Wanted: As time permits Same as LRB:
For: Administration-Budget 6-2288 By/Representing: Major
May Contact: Drafter: gmalaise
Subject: Children - out-of-home placement Addl. Drafters:
Extra Copies: PJK

Submit via email: YES
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Major, BB0265 -

Topic:

Kinship care funding

Instructions:

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Drafting History:

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/?	gmalaise 12/19/2012	kfollett 12/21/2012		_____			
/1	gmalaise 2/5/2013			_____	srose 12/21/2012		
/2		kfollett 2/5/2013	phenry 2/6/2013	_____	sbasford 2/6/2013		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 12/12/2012 Received By: gmalaise
Wanted: As time permits Companion to LRB:
For: Administration-Budget 6-2288 By/Representing: Major
May Contact: Drafter: gmalaise
Subject: Children - out-of-home placement Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Major, BB0265 -

Topic:

Kinship care funding

Instructions:

See attached

Drafting History:

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/?	gmalaise 12/19/2012	kfollett 12/21/2012					
/1		12/5/12 2/5	2/6 ph	ph	8/8 brose 12/21/2012		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **12/12/2012** Received By: **gmalaie**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget 6-2288** By/Representing: **Major**
May Contact: Drafter: **gmalaie**
Subject: **Children - out-of-home placement** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to:

Pre Topic:

DOA:.....Major, BB0265 -

Topic:

Kinship care funding

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaie	11/15/12	11/15/12	11/15/12			

FE Sent For:

<END>

Malaise, Gordon

From: Hanaman, Cathlene
Sent: Wednesday, November 28, 2012 4:15 PM
To: Malaise, Gordon
Subject: FW: [Possible SPAM] Statutory Language Drafting Request - BB0265
Importance: Low

From: katrina.major@wisconsin.gov [<mailto:katrina.major@wisconsin.gov>]
Sent: Wednesday, November 28, 2012 3:31 PM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Major, Katrina L - DOA; Thornton, Scott - DOA
Subject: [Possible SPAM] Statutory Language Drafting Request - BB0265
Importance: Low

Biennial Budget: 2013-15

DOA Tracking Code: BB0265

Topic: kinship care funding

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

Broaden the allowable funding sources for kinship care by deleting the references to 20.437(2)(md) in 48.57(3m) and (3n) and instead referencing broader TANF/MOE funds. Please call to discuss possibilities here- Katie 266-2288. Thanks

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

Malaise, Gordon

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Friday, November 30, 2012 2:05 PM
To: Malaise, Gordon
Subject: RE: [Possible SPAM] Statutory Language Drafting Request - BB0265

Thanks for the feedback. I have shared your concerns with DCF, and am waiting to hear their thoughts. I'll let you know when I hear. k

From: Malaise, Gordon [<mailto:Gordon.Malaise@legis.wisconsin.gov>]
Sent: Thursday, November 29, 2012 12:28 PM
To: Major, Katrina L - DOA
Subject: RE: [Possible SPAM] Statutory Language Drafting Request - BB0265

Katie:

On further review I don't think it's as easy as simply referencing s. 49.175 (1) (s) because even though s. 49.175 (1) (intro.) cites various appropriations, those underlying appropriations do not authorize the expenditure of moneys for kinship care. For example, s. 20.437 (2) (cm) is for child care subsidies and s. 20.437 (2) (cr) is for AFDC overpayments. Neither may be expended for kinship care.

Accordingly, the most legally correct, precise, and locked down way of implementing your drafting request would be for you to identify every appropriation into which TANF moneys are deposited and every appropriation that is used for TANF MOE. Then I would amend each of those appropriations to specifically authorize moneys from those appropriations to be expended for kinship care under s. 48.57 (3m) and (3n) and would amend s. 48.57 (3m) and (3n) to reference each of those appropriations. Then the intent would be perfectly clear that any and all TANF and MOE moneys could be expended for kinship care.

Gordon

From: Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]
Sent: Thursday, November 29, 2012 10:04 AM
To: Malaise, Gordon
Subject: RE: [Possible SPAM] Statutory Language Drafting Request - BB0265

Sounds good. Thanks

From: Malaise, Gordon [<mailto:Gordon.Malaise@legis.wisconsin.gov>]
Sent: Wednesday, November 28, 2012 5:05 PM
To: Major, Katrina L - DOA
Subject: FW: [Possible SPAM] Statutory Language Drafting Request - BB0265
Importance: Low

Katie:

Maybe the answer would be as simple as saying, "from the allocation under s. 49.175 (1) (s) ...". Section 49.175 (1) (intro.) references numerous TANF and MOE appropriations, so the reference to s. 49.175 (1) (s) would permit moneys from any of those appropriations to be used for kinship care.

Gordon

From: Hanaman, Cathlene
Sent: Wednesday, November 28, 2012 4:15 PM
To: Malaise, Gordon
Subject: FW: [Possible SPAM] Statutory Language Drafting Request - BB0265
Importance: Low

From: katrina.major@wisconsin.gov [mailto:katrina.major@wisconsin.gov]
Sent: Wednesday, November 28, 2012 3:31 PM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Major, Katrina L - DOA; Thornton, Scott - DOA
Subject: [Possible SPAM] Statutory Language Drafting Request - BB0265
Importance: Low

Biennial Budget: 2013-15

DOA Tracking Code: BB0265

Topic: kinship care funding

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

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Priority: Medium

Intent:

Broaden the allowable funding sources for kinship care by deleting the references to 20.437(2)(md) in 48.57(3m) and (3n) and instead referencing broader TANF/MOE funds. Please call to discuss possibilities here- Katie 266-2288. Thanks

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

Malaise, Gordon

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Tuesday, December 18, 2012 10:50 AM
To: Malaise, Gordon
Subject: kinship care

Hi Gordon, on the kinship care draft:

- 1) I think DCF was thinking it's not a problem due to an interpretation that the list in 49.175(1) doesn't supersede the chapter 20 definitions, but it sounds like it would be fine to do the specific appropriations if you think it's better that way.
- 2) The most likely used appropriations would be 2dz, 2md, 2me and 2s, so those are the ones DCF would prefer to include if you list appropriations.
- 3) DCF would also like to delete the reference to foster care in 49.175(1)s because they do not use it for foster care, and DCF would like to modify the cites. They would revise it to the following phrase: Kinship care, and long-term kinship care assistance. For kinship-care and long-term kinship-care assessments made by the department or counties under s.48.57 (3m), (3n), or (3p), for payments under s.48.57 (3m) and (3n), and for similar purposes under contracts with tribal governing bodies, \$x in each year."
- 4) DCF requests to combine 48.57(3m)(am) and (3n)(am) if possible. I am concerned about this because it looks like the provisions that follow these two sections differ. Thoughts on this? DCF suggests the following intro to that section: The department shall make payments, or reimburse counties for payments, under s.48.57 (3m) (am) and (3n) (am) from the appropriations under s.20.437 (dz), (md), (me), or (s).
- 5) Regarding 20.437(2)dz: DCF believes it needs to be modified to cover the situation where DCF makes kinship care payments directly for Milwaukee County and to delete the reference to less the amounts withheld under 49.143(3).

I think we will want to coordinate with Pam on the third point above because she is doing the TANF allocation draft.
Thanks,
Katie

Malaise, Gordon

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Wednesday, December 19, 2012 1:56 PM
To: Malaise, Gordon
Subject: RE: kinship care

Make sense to me too.

From: Malaise, Gordon [<mailto:Gordon.Malaise@legis.wisconsin.gov>]
Sent: Wednesday, December 19, 2012 1:52 PM
To: Major, Katrina L - DOA
Subject: RE: kinship care

I don't think it's worth it to create a new subsection just for that. I vote to retain the current structure.

From: Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]
Sent: Wednesday, December 19, 2012 1:38 PM
To: Malaise, Gordon
Cc: Kraus, Jennifer - DOA
Subject: RE: kinship care

Hi Gordon, that all sounds good. As far as the last item, whichever way you think makes more sense from a drafting perspective is good with me because the content should be the same.

Thanks,
k

From: Malaise, Gordon [<mailto:Gordon.Malaise@legis.wisconsin.gov>]
Sent: Wednesday, December 19, 2012 1:31 PM
To: Major, Katrina L - DOA
Subject: RE: kinship care

Katie:

The more common practice in the statutes is for program language to reference the appropriation directly rather than the allocation under s. 49.175 (1). The only examples of referencing the allocation are in ss. 48.651 (2) (c) and 49.197 (2) (b) 1. So I would rather reference the appropriations.

Of the appropriations that you identified, only s. 20.437 (2) (dz) needs to be amended. Section 20.437 (2) (md) already funds kinship care under current law. Section 20.437 (2) (me) and (s) already authorize funding "for the purposes specified under s. 49.175 (1)." So, funding for kinship care under s. 49.175 (1) (s) is already authorized from those appropriations.

I will go ahead and make the requested changes to ss. 20.437 (2) (dz) and 49.175 (1) (s). Pam will probably ask me for language for those provisions anyway. If our drafts duplicate each other, one provision or the other can be deleted when we reconcile the various drafts in the compiled budget. That is standard operating procedure.

I can combine the first sentences of s. 48.57 (3m) (am) (intro.) and (3n) (am) (intro.), but would have to create sub. (3g) to do so. Subsection (3m) is all about kinship care and sub. (3n) is all about long-term kinship care, so a provision that addresses both cannot be in either sub. (3m) or (3n). Therefore, a new subsection would have to be created. If that is not worth doing, we can leave subs. (3m) am) and (3n) (am) structured as they currently are, but add references to the new appropriations.

Gordon

From: Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]
Sent: Tuesday, December 18, 2012 10:50 AM
To: Malaise, Gordon
Subject: kinship care

Hi Gordon, on the kinship care draft:

- 1) I think DCF was thinking it's not a problem due to an interpretation that the list in 49.175(1) doesn't supersede the chapter 20 definitions, but it sounds like it would be fine to do the specific appropriations if you think it's better that way.
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- 3) DCF would also like to delete the reference to foster care in 49.175(1)s because they do not use it for foster care, and DCF would like to modify the cites. They would revise it to the following phrase: Kinship care, and long-term kinship care assistance. For kinship-care and long-term kinship-care assessments made by the department or counties under s.48.57 (3m), (3n), or (3p), for payments under s.48.57 (3m) and (3n), and for similar purposes under contracts with tribal governing bodies, \$x in each year."
- 4) DCF requests to combine 48.57(3m)(am) and (3n)(am) if possible. I am concerned about this because it looks like the provisions that follow these two sections differ. Thoughts on this? DCF suggests the following intro to that section: The department shall make payments, or reimburse counties for payments, under s.48.57 (3m) (am) and (3n) (am) from the appropriations under s.20.437 (dz), (md), (me), or (s).
- 5) Regarding 20.437(2)dz: DCF believes it needs to be modified to cover the situation where DCF makes kinship care payments directly for Milwaukee County and to delete the reference to less the amounts withheld under 49.143(3).

I think we will want to coordinate with Pam on the third point above because she is doing the TANF allocation draft.

Thanks,

Katie



State of Wisconsin
2013—2014 LEGISLATURE

IN 12/19



LRB-0813/1
GMM...

DOA:.....Major, BB0265 – Kinship care funding

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

Don't Gen

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, if certain conditions are met, a county department of human services or social services or, in Milwaukee County, DCF must make monthly payments to a relative of a child who is providing care and maintenance for the child (kinship care payments). Currently, kinship care payments are funded from an appropriation to DCF of federal Temporary Assistance for Needy Families (TANF) block grant moneys.

This bill adds as funding sources for kinship care payments: 1) an appropriation to DCF of general purpose revenues that are used to meet maintenance-of-effort requirements under the TANF block grant program (MOE requirements); 2) an appropriation to DCF of state moneys used to meet MOE requirements that DCF elects to treat as federal revenue; and 3) an appropriation to DCF of segregated revenue from the utility public benefits fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 20.437 (2) (dz) of the statutes is amended to read:

1 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
2 *maintenance of effort.* The amounts in the schedule, less the amounts withheld
3 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works
4 under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work
5 experience program for noncustodial parents under s. 49.36; for payments to local
6 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
7 for kinship care and long-term kinship care assistance as specified under s. 49.175
8 (1) (s); and for emergency assistance for families with needy children under s. 49.138.
9 Payments may be made from this appropriation account for any contracts under s.
10 49.845 (4) and for any fraud investigation and error reduction activities under s.
11 49.197 (1m). Moneys appropriated under this paragraph may be used to match
12 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
13 (1), the department may transfer funds between fiscal years under this paragraph.
14 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
15 shall credit to this appropriation account funds for the purposes of this appropriation
16 that the department transfers from the appropriation account under s. 20.435 (5)
17 (bc). All funds allocated by the department but not encumbered by December 31 of
18 each year lapse to the general fund on the next January 1 unless transferred to the
19 next calendar year by the joint committee on finance.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a); 2009 a. 28 ss. 471 to 513, 522; 2009 a. 76, 180, 185, 265, 339; 2011 a. 32, 258.

20 **SECTION 2.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

21 48.57 (3m) (am) (intro.) From the ~~appropriation~~ appropriations under s. 20.437
22 (2) (dz), (md), (me), and (s), the department shall reimburse counties having
23 populations of less than 500,000 for payments made under this subsection and shall
24 make payments under this subsection in a county having a population of 500,000 or

more. Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$220 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28, 71, 94, 180; 2011 a. 32.

SECTION 3. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 (3n) (am) (intro.) From the ~~appropriation~~ appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make monthly payments for each child in the amount ~~specified in sub. (3m) (am) (intro.)~~ of \$220 per month to a long-term kinship care relative who is providing care and maintenance for that child if all of the following conditions are met:

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28, 71, 94, 180; 2011 a. 32.

SECTION 4. 49.175 (1) (s) of the statutes is amended to read:

49.175 (1) (s) ~~Kinship care, and long-term kinship care, and foster care~~ assistance. For kinship and long-term kinship care payments under s. 48.57 (3m) (am) and (3n) (am), for assessments to determine eligibility for those payments, and for agreements under s. 48.57 (3t) with the governing bodies of Indian tribes for the administration of the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and (3p) and for foster care for relatives under s. 48.62 within the boundaries of the reservations of those tribes, \$21,375,800 in each fiscal year.

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226; 2009 a. 2, 28; 2011 a. 10, 13, 32.

(END)

Malaise, Gordon

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Tuesday, February 05, 2013 3:59 PM
To: Malaise, Gordon
Cc: Mansfield, Mark - DCF; Kraus, Jennifer - DOA
Subject: FW: Description of s.20.437 (2) (me) in LRB analysis for Kinship Care draft

Hi Gordon, please see DCF's info on the kinship care draft. Thanks

From: Mansfield, Mark - DCF
Sent: Tuesday, February 05, 2013 3:52 PM
To: Major, Katrina L - DOA
Cc: Nikolay, Robert A - DCF
Subject: Description of s.20.437 (2) (me) in LRB analysis for Kinship Care draft

I know LRB ususally wants to write its analysis based on its own read of the statues, but I just noticed something that is not quite right on this one: Gordon notes that it adds as an allowable appropriation for Kinship Care, "an appropriation to DCF of state moneys used to meet MOE requirements that DCF elects to treat as federal revenue." That's referring to s.20.437 (2) (me) [I think]. That is not an appropriation used to meet MOE requirements. It is classified as federal funds. May be a little confusing but see s.20.001 (2) (e) [the definition of "federal funds."

(e) *Federal revenues.* "Federal revenues" consist of moneys received from the federal government, except that under s. 20.437 (2) (md) "federal revenues" also include moneys treated as refunds of expenditures, and under s. 20.437 (2) (me) "federal revenues" consist only of moneys treated as received from the federal government.



kinship 2-5.pdf

He could perhaps describe it as something like, "an appropriation of recovered TANF and child care overpayments" (see appropriation title) or "an appropriation of recovered child care and other funds treated as federal TANF funds."



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0813/1

GMM:kjf:kf

2
PWR

DOA:.....Major, BB0265 - Kinship care funding

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

care recoveries
child care and TANF overpayment recoveries
and certain state
and certain other state moneys

Don't Gen

PWR

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, if certain conditions are met, a county department of human services or social services or, in Milwaukee County, DCF must make monthly payments to a relative of a child who is providing care and maintenance for the child (kinship care payments). Currently, kinship care payments are funded from an appropriation to DCF of federal Temporary Assistance for Needy Families (TANF) block grant moneys.

This bill adds as funding sources for kinship care payments: 1) an appropriation to DCF of general purpose revenues that are used to meet maintenance-of-effort requirements under the TANF block grant program (MOE requirements); 2) an appropriation to DCF of ~~state moneys used to meet MOE requirements~~ that DCF elects to treat as federal revenue; and 3) an appropriation to DCF of segregated revenue from the utility public benefits fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

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1 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
2 *maintenance of effort.* The amounts in the schedule, ~~less the amounts withheld~~
3 ~~under s. 49.143 (3),~~ for administration and benefit payments under Wisconsin Works
4 under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work
5 experience program for noncustodial parents under s. 49.36; for payments to local
6 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
7 for kinship care and long-term kinship care assistance as specified under s. 49.175
8 (1)(s); and for emergency assistance for families with needy children under s. 49.138.
9 Payments may be made from this appropriation account for any contracts under s.
10 49.845 (4) and for any fraud investigation and error reduction activities under s.
11 49.197 (1m). Moneys appropriated under this paragraph may be used to match
12 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
13 (1), the department may transfer funds between fiscal years under this paragraph.
14 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
15 shall credit to this appropriation account funds for the purposes of this appropriation
16 that the department transfers from the appropriation account under s. 20.435 (5)
17 (bc). All funds allocated by the department but not encumbered by December 31 of
18 each year lapse to the general fund on the next January 1 unless transferred to the
19 next calendar year by the joint committee on finance.

20 **SECTION 2.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

21 48.57 (3m) (am) (intro.) From the ~~appropriation~~ appropriations under s. 20.437
22 (2) (dz), (md), (me), and (s), the department shall reimburse counties having
23 populations of less than 500,000 for payments made under this subsection and shall
24 make payments under this subsection in a county having a population of 500,000 or
25 more. Subject to par. (ap), a county department and, in a county having a population

1 of 500,000 or more, the department shall make payments in the amount of \$220 per
2 month to a kinship care relative who is providing care and maintenance for a child
3 if all of the following conditions are met:

4 **SECTION 3.** 48.57 (3n) (am) (intro.) of the statutes is [✓]amended to read:

5 48.57 **(3n)** (am) (intro.) From the ~~appropriation~~ appropriations under s. 20.437
6 (2) (dz), (md), (me), and (s), the department shall reimburse counties having
7 populations of less than 500,000 for payments made under this subsection and shall
8 make payments under this subsection in a county having a population of 500,000 or
9 more. Subject to par. (ap), a county department and, in a county having a population
10 of 500,000 or more, the department shall make monthly payments for each child in
11 the amount ~~specified in sub. (3m) (am) (intro.)~~ of \$220 per month to a long-term
12 kinship care relative who is providing care and maintenance for that child if all of
13 the following conditions are met:

14 **SECTION 4.** 49.175 (1) (s) of the statutes is [✓]amended to read:

15 49.175 (1) (s) *Kinship care, and long-term kinship care, and foster care*
16 *assistance.* For kinship care and long-term kinship care payments under s. 48.57
17 (3m) (am) and (3n) (am), for assessments to determine eligibility for those payments,
18 and for agreements under s. 48.57 (3t) with the governing bodies of Indian tribes for
19 the administration of the kinship care and long-term kinship care programs under
20 s. 48.57 (3m), (3n), and (3p) and for foster care for relatives under s. 48.62 within the
21 boundaries of the reservations of those tribes, \$21,375,800 in each fiscal year.

22 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE

IN 2/13

DNS/E



LRB-0813/2

GMM:kjf:ph

3
BWP

DOA:.....Major, BB0265 – Kinship care funding

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, if certain conditions are met, a county department of human services or social services or, in Milwaukee County, DCF must make monthly payments to a relative of a child who is providing care and maintenance for the child (kinship care payments). Currently, kinship care payments are funded from an appropriation to DCF of federal Temporary Assistance for Needy Families (TANF) block grant moneys.

This bill adds as funding sources for kinship care payments: 1) an appropriation to DCF of general purpose revenues that are used to meet maintenance-of-effort requirements under the TANF block grant program (MOE requirements); 2) an appropriation to DCF of child care and TANF overpayment recoveries and certain other state moneys that DCF elects to treat as federal revenue; and 3) an appropriation to DCF of segregated revenue from the utility public benefits fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.437 (2) (dz) of the statutes is amended to read:

2 20.437 (2) (dz) *Temporary Assistance for Needy Families programs;*
3 *maintenance of effort.* The amounts in the schedule, ~~less the amounts withheld~~
4 ~~under s. 49.143 (3),~~ for administration and benefit payments under Wisconsin Works
5 under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work
6 experience program for noncustodial parents under s. 49.36; for payments to local
7 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
8 for kinship care and long-term kinship care assistance as specified under s. 49.175
9 (1) (s); and for emergency assistance for families with needy children under s. 49.138.
10 Payments may be made from this appropriation account for any contracts under s.
11 49.845 (4) and for any fraud investigation and error reduction activities under s.
12 49.197 (1m). Moneys appropriated under this paragraph may be used to match
13 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
14 (1), the department may transfer funds between fiscal years under this paragraph.
15 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
16 shall credit to this appropriation account funds for the purposes of this appropriation
17 that the department transfers from the appropriation account under s. 20.435 (5)
18 (bc). All funds allocated by the department but not encumbered by December 31 of
19 each year lapse to the general fund on the next January 1 unless transferred to the
20 next calendar year by the joint committee on finance.

21 **SECTION 2.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

22 48.57 (3m) (am) (intro.) From the ~~appropriation~~ appropriations under s. 20.437
23 (2) (dz), (md), (me), and (s), the department shall reimburse counties having
24 populations of less than 500,000 for payments made under this subsection and shall
25 make payments under this subsection in a county having a population of 500,000 or

XXXX NOTE: This is reconciled 4. 49.175 (1) (S).

This section has been effected by drafts with the following LRB #s:
LRB-0813/2 and LRB-0850/6.

more. Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$220 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 3. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 (3n) (am) (intro.) From the ~~appropriation~~ appropriations under s. 20.437 (2) (dz), (md), (me), and (s), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. Subject to par. (ap), a county department and, in a county having a population of 500,000 or more, the department shall make monthly payments for each child in the amount ~~specified in sub. (3m) (am) (intro.)~~ of \$220 per month to a long-term kinship care relative who is providing care and maintenance for that child if all of the following conditions are met:

SECTION 4. 49.175 (1) (s) of the statutes is amended to read:

49.175 (1) (s) *Kinship care, and long-term kinship care, ~~and foster care~~ assistance.* For kinship care and long-term kinship care payments under s. 48.57 (3m) (am) and (3n) (am), for assessments to determine eligibility for those payments, and for agreements under s. 48.57 (3t) with the governing bodies of Indian tribes for the administration of the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and (3p) and for foster care for relatives under s. 48.62 ~~within the~~ boundaries of the reservations of those tribes, \$21,375,800 in each fiscal year.

(END) (strike)

NOTE

tribes within the boundaries of the reservations of those tribes
582
tribes, \$20,582,700

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

NOTE

Date

LRB-0813/3dn
GMM:kjf

Katie Major:

This draft reconciles LRB-0813/2 and LRB-0850/6.

Both LRB-0813 and LRB-0850 should continue to
appear in the compiled bill.

GMM

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0813/3dn
GMM:kjfjf

February 13, 2013

Katie Major:

This draft reconciles LRB-0813/2 and LRB-0850/6. Both LRB-0813 and LRB-0850 should continue to appear in the compiled bill.

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0813/3

GMM:kjf:jf

DOA:.....Major, BB0265 – Kinship care funding

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

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5 under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work
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7 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
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9 (1) (s); and for emergency assistance for families with needy children under s. 49.138.
10 Payments may be made from this appropriation account for any contracts under s.
11 49.845 (4) and for any fraud investigation and error reduction activities under s.
12 49.197 (1m). Moneys appropriated under this paragraph may be used to match
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14 (1), the department may transfer funds between fiscal years under this paragraph.
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25 make payments under this subsection in a county having a population of 500,000 or

1 more. Subject to par. (ap), a county department and, in a county having a population
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4 if all of the following conditions are met:

5 **SECTION 3.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

6 48.57 (3n) (am) (intro.) From the ~~appropriation~~ appropriations under s. 20.437
7 (2) ~~(dz), (md), (me), and (s),~~ the department shall reimburse counties having
8 populations of less than 500,000 for payments made under this subsection and shall
9 make payments under this subsection in a county having a population of 500,000 or
10 more. Subject to par. (ap), a county department and, in a county having a population
11 of 500,000 or more, the department shall make monthly payments for each child in
12 the amount ~~specified in sub. (3m) (am) (intro.)~~ of \$220 per month to a long-term
13 kinship care relative who is providing care and maintenance for that child if all of
14 the following conditions are met:

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17 *assistance.* For kinship care and long-term kinship care payments under s. 48.57
18 (3m) (am) and (3n) (am), for assessments to determine eligibility for those payments,
19 and for agreements under s. 48.57 (3t) with the governing bodies of Indian tribes for
20 the administration of the kinship care and long-term kinship care programs under
21 s. 48.57 (3m), (3n), and (3p) and for foster care for relatives under s. 48.62,
22 \$21,375,800 within the boundaries of the reservations of those tribes, \$20,582,700
23 in each fiscal year.

****NOTE: This is reconciled s. 49.175 (1) (s). This SECTION has been affected by drafts with the following LRB numbers: LRB-0813/2 and LRB-0850/6.

1

(END)